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Patent
Atty. Dkt.: LYNN/0130.D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RE APPLICATION OF:

Craig C. Andrews, et al.

SERIAL NO. 10/016,482

FILED: December 10, 2001

FOR: Electrochemical Apparatus with
Retractable Electrode§
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EXAMINER: Valentine, Donald R.

GROUP ART UNIT: 1742

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OFFICE OF PETITIONS

Mail Stop Issue Fee
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

| CERTIFICATE OF MAILING OR TRANSMISSION | |
|--|---------------------------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for First Class Mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or being facsimile transmitted to the USPTO on the date below: | |
| 9/30/04 Date | <i>[Signature]</i> Signature |

PAYMENT OF DEFICIENCY FEES PURSUANT TO 37 CFR § 1.28(c)(2)

Applicant files this Payment of Deficiency Fees, along with a payment of \$1,564.00 and any other amounts that may be determined to be due, so that any possible error in entity status will be excused. According to 37 CFR 1.28(d), Applicant asserts that this payment should be treated under 37 CFR 1.27(g)(2) as a notification of a loss of entitlement to small entity status.

However, Applicant further asserts that this payment and notification are being made consistent with MPEP 509.03, Section VI, para. 4, to avoid making an investigation of small entity status at this time. Applicant has prepared the following itemization which details the only small entity fees that were paid during the pendency of the application.

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| Type of Fee Paid | Amount Paid | Date Paid | Current Large Entity Fee | Deficiency Owed |
|---------------------------------------|-------------|-----------|--------------------------|--------------------------|
| Basic Filing Fee | \$370.00 | 5/31/2002 | \$790.00 | \$420.00 |
| Claims in excess of 20 | \$639.00 | 5/31/2002 | \$1,278.00 | \$639.00 |
| Independent claims in excess of 3 | \$420.00 | 5/31/2002 | \$860.00 | \$440.00 |
| Surcharge for filing late Declaration | \$65.00 | 5/31/2002 | \$130.00 | \$65.00 |
| | | | | Total: \$1,564.00 |

Applicant requests that the Commissioner accept the deficiency payment along with payment of the large entity issue fee which accompanies this document.

The Commissioner is hereby authorized to charge the Deposit Account No. 50-0714/LYNN/0130.D of the firm of the below-signed attorney in the amount of the total deficiency and any other deficiency or necessary fee that is determined to be due.

Respectfully submitted,

Jeffrey L. Streets
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